FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7004 OF 2005
IN
CRIMINAL APPEAL NO.1001 OF 2005

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	Coram, :	Court's or Judge's Orders

Mr. A.P. Mundargi with Mr. M.K. Kochrekar for the applicant.

Mr. S.S. Pednekar, A.P.P. for the State.

CORAM: SMT. RANJANA DESAI &
ANOOP V. MOHTA, JJ.

DATED: 27TH OCTOBER, 2005.

P.C.:-

The applicant - Prabhakar Ramkrishna Nene was tried for offences punishable under section 324, 302 of Indian Penal Code (for short, "the Code") read with section 30 of the Arms Act for having committed murder of Manda Nikalje in the Court of Sessions for Greater Bombay in Sessions Case No.801 of 2000. By judgment and order dated 27th, 28th and 29/9/2005, the learned Addl.

Sessions Judge, convicted him under sections 324, 302 of the Code read with section 30 of the Arms Act and sentenced to suffer RI for life.

The appeal has been admitted by us today. This is an application for bail.

We have heard Mr. Mundargi, the learned counsel for the applicant. He submitted that the incident in question was taken place on the spur of the moment. He submitted that it is true that there are eye-witnesses. However, in the facts and circumstances of the case, no offence punishable under section 302 is made out and, at the most, an offence punishable under section 304 part II may be made out.

He submitted that the applicant is 65 years old and he is suffering from several ailments.

We have also heard the learned A.P.P. for the State. He submitted

that there are five eye-witnesses to the incident in question and the applicant has used revolver. He, therefore, submitted that the application may be rejected.

The applicant was on bail in the trial court. The applicant is 65 years old. In the impugned order, the learned judge has noted that the applicant is suffering from diabetes and high blood pressure and he is required to take medicines. Considering his age and ailments, in our opinion, the applicant may have to be released on bail. Prima facie we also find some substance in the submission of Mr. Mundargi that no offence punishable under section 302 is made out and, at the most, an offence punishable under section 304 part II may be made out. Hence, the following order:

O R D E R

The applicant - Prabhakar Ramkrishna Nene, is released on bail

on his furnishing bail bond in the sum of Rs.25,000/- with one or two sureties in the like amount. While on bail, he shall report to Dadar Police Station, once in a month.

The application is disposed of.

(SMT. RANJANA DESAI, J.)

(ANOOP V. MOHTA, J.)